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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,594	06/06/2001	Srinivas V.R. Gutta	US010125	7185

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
WOO, ISAAC M	
ART UNIT	**PAPER NUMBER**
2166	

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/875,594	GUTTA ET AL.	
	Examiner	Art Unit	
	Isaac M. Woo	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 January 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,9-11 and 17-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,9-11 and 17-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to Applicant's Amendments, filed on January 25, 2006 have been considered but are not persuasive.

2. Claims 1-3, 7-11, 17-19 and 22 are amended. Claims 4-8 and 12-16 are canceled. Claims 1-3, 9-11 and 17-22 are pending.

Response to arguments

3. In response to Applicant's Remarks filed January 25, 2006, the following factual arguments are noted:

Applicant asserted that Uehara et al (U.S. Pub. No. 2002/0056095) does not disclose the use of identifying by a second program using the feature value, key fields and a distance measurement.

The examiner disagrees with the precedent assertion. Uehara, however, discloses, in FIG. 6A shows a two-dimensional classification and arrangement space in which the feature value "genre" is set on one axis (horizontal axis), and the feature value "program" is set on another axis (vertical axis). Applicant should duly note that the feature value "genre" of Uehara corresponds to a number when a number is assigned to each character string representing a genre in program data, wherein the feature value "program" corresponds to each keyword character string number

contained in a character string that represents a program title in the program data accompanying each video contents segment" (page 5, section 0070). This implication that feature value and keywords (key fields) of programs are used to identify program. Moreover, Uehara discloses, in FIG. 6B a diagram of a three-dimensional classification and arrangement space, in which a color ratio feature value is set on the horizontal and vertical axes, and a time feature value is set on an axis in the depth direction. So, the feature value regarding a color ratio is a vector value obtained by quantifying a color ratio in a representative frame image of each video contents segment as a frequency vector. The time feature value corresponds to a broadcasting time of each video contents segment" (fig. 6A-C, page 5, sections 0070-0077). Fig. 6A-C teaches to identify programs using feature values presented on three-dimensional space. For instance, Baseball and Soccer are within close distance, which are categorized as Sports. Based on analysis above, Uehara discloses the use of identifying by a second program using the feature value, key fields and a distance measurement, wherein the distance described in Uehara is used to determine the program.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 7-11 and 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Uehara et al (U.S. Pub No. 2002/0056095, hereinafter, "Uehara").

With respect to claim 1, Uehara discloses, receiving a first program record representing a first program (page 4, section [0058], video content are recorded in video contents storing part 43, fig. 4), wherein the first program record includes at least one key field (keywords, fig. 3, page 4, sections [0058-0060], 700, fig. 7, page 7, section [0091]); retrieving a plurality of program records from a database, wherein at least one of the program records includes at least one key field, see (111-112, fig. 11,page 9, sections [0112-0113], program records are stored with key fields (keywords) and extracted to compare with the others); converting each key field of the first program record into a feature value, see (fig. 6A, page 5, section [0070], 45, feature value extracting part, fig. 4, page 5, sections [0067-0069], page 6 sections [0083]); identifying a second program record of the plurality of program records that qualifies as a nearest neighbor of the first program record using the feature value, see (classification, 802-804, fig. 8, page 7, sections [0092-0099]), the key fields of the plurality of program records and a distance measurement method (fig. 6A-C, page 5, sections 0070-0077, fig. 8, page 7, sections [0092-0099]); and determining, based on the identified second program record, whether to recommend the first program, see (sections [0092-0099], classification of program records provides recommendation of program records).

With respect to claim 2, Uehara discloses, receiving a first program record representing a first program (page 4, section [0058], video content are recorded in video contents storing part 43, fig. 4), wherein the first program record includes at least one key field (keywords, fig. 3, page 4, sections [0058-0060], 700, fig. 7, page 7, section [0091]); retrieving a plurality of program records from a database, wherein at least one of the program records includes at least one key field, see (111-112, fig. 11,page 9, sections [0112-0113], program records are stored with key fields (keywords) and extracted to compare with the others); converting each key field of the first program record into a feature value, see (fig. 6A, page 5, section [0070], 45, feature value extracting part, fig. 4, page 5, sections [0067-0069], page 6 sections [0083]); identifying N number of program record of the plurality of program records that qualifies as a nearest neighbor of the first program record using the feature value, see (classification, 802-804, fig. 8, page 7, sections [0092-0099]), the key fields of the plurality of program records and a distance measurement method (fig. 6A-C, page 5, sections 0070-0077, fig. 8, page 7, sections [0092-0099]); and determining, based on the identified second program record, whether to recommend the first program, see (sections [0092-0099], classification of program records provides N number of recommendation of program records).

With respect to claim 3, Uehara discloses, receiving a first program record representing a first program (page 4, section [0058], video content are recorded in video

contents storing part 43, fig. 4), wherein the first program record includes at least one key field (keywords, fig. 3, page 4, sections [0058-0060], 700, fig. 7, page 7, section [0091]); retrieving a plurality of program records from a database, wherein at least one of the program records includes at least one key field, see (111-112, fig. 11,page 9, sections [0112-0113], program records are stored with key fields (keywords) and extracted to compare with the others); converting each key field of the first program record into a feature value, see (fig. 6A, page 5, section [0070], 45, feature value extracting part, fig. 4, page 5, sections [0067-0069], page 6 sections [0083]); identifying a cluster of program record of the plurality of program records that qualifies as a nearest neighbor of the first program record using the feature value, see (classification is a cluster of program records, 802-804, fig. 8, page 7, sections [0092-0099]), the key fields of the plurality of program records and a distance measurement method (fig. 6A-C, page 5, sections 0070-0077, fig. 8, page 7, sections [0092-0099]); and determining, based on the identified second program record, whether to recommend the first program, see (page 7, sections [0092-0099], classification of program records provides N number of recommendation of program records).

With respect to claims 9-11, Uehara discloses,database storing a plurality of program records (page 4 section [0058], video content are recorded in video contents storing part 43, fig. 4), wherein each program record includes at least one key field (keywords, fig. 3, page 4, sections [0058-0060], 700, fig. 7, page 7, section [0091]); and module operable to determine a first, N number and cluster program records of the

plurality of program records that qualifies as a nearest neighbor, using a distance measurement method (one of classification methods, fig. 8, page 7, sections [0092-0099]) of a second program record in response to a reception of the second program record by the computer system using the key fields of the program records, see (classification is a cluster of program records, 802-804, fig. 8, page 7, sections [0092-0099]), the key fields of the plurality of program records and a distance measurement method (fig. 6A-C, page 5, sections 0070-0077, fig. 8, page 7, sections [0092-0099]); the module to determine, based on the first program record, whether to recommend a program represented by the second program record.

With respect to claims 17-19, Uehara discloses, receiving a first program record representing a first program (page 4 section [0058], video content are recorded in video contents storing part 43, fig. 4), wherein the first program record includes at least one key field (keywords, fig. 3, page 4, sections [0058-0060]. 700, fig. 7, page 7, section [0091]); retrieving a plurality of program records from a database, wherein at least one of the program records includes at least one key field, see (111-112, fig. 11,page 9, sections [0112-0113], program records are stored with key fields (keywords) and extracted to compare with the others); converting each key field of the first program record into a feature value, see (fig. 6A, page 5, section [0070], 45, feature value extracting part, fig. 4, page 5, sections [0067-0069], page 6 sections [0083]); identifying a program record, N number of records and a cluster of program record of the plurality of program records that qualifies as a nearest neighbor of the first program record using

the feature value, see (classification includes a program record, N number of program records and a cluster of program records, 802-804, fig. 8, page 7, sections [0092-0099]), the key fields of the plurality of program records and a distance measurement method (fig. 6A-C, page 5, sections 0070-0077, fig. 8, page 7, sections [0092-0099]); and determining, based on the identified second program record, whether to recommend the first program, see (page 7, sections [0092-0099], classification of program records provides N number and a cluster of recommendation of program records).

With respect to claim 20, Uehara discloses, comparing a number of positive counts for the identified second program record to a number of negative counts for the identified second program record, see (page 5, sections [0061-0071]).

With respect to claim 21, Uehara discloses, generating a recommendation of the first program if the determination is to recommend, see (page 5, sections [0061-0071]).

With respect to claim 22, Uehara discloses, recommending the first program if the determination is to recommend, see (page 5, sections [0061-0071]).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M. Woo whose telephone number is (571) 272-4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IW
April 14, 2006

JEAN M. CORRIELUS
PRIMARY EXAMINER